THE DEPUTY CHAIRMAN: I shall put the motion moved by the Minister to vote.

The question is:

"That the Bill to provide for the more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration"

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill We shall now take up clause 2. There are two amendments in the name of Mr. Gurudas Das Gupta

SHRI GURUDAS DAS GUPTA: In view of the appeal made by the Minister and in order to ensure that it is universally accepted, despite its shortcomings, I do not move my amendments.

THE DEPUTY CHAIRMAN: I shall now put clause 2 to vote

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 22 were added to the Bill.

Clause 1, the Enacting Formula the Preamble and the Title were added to the Bill.

SHRIMATI MARGARET ALVA: Madam, I move:

"That the Bill be passed".

The question was put and the motion was adopted.

श्रीमती ईला रमेश भट्ट : महोदया ...(**व्यवधान**)

एक माननीय सदस्य : बिल तो पास हो गया ।

श्रीमती ईला रमेश भट्ट : पास तो हो गया मालूम है । लेकिन आपने हमको नहीं पूछा कि हमारा अमैण्डमेंट क्या है ?

उपसभापति : आपने हा नहीं कि अमेण्डमेंट मूव करना है । आप तो बैठी थीं ।

श्रीमती ईला रमेश भट्ट : कहा था, हमने सबमिट किया है ।

उपसभापति . उसी वक्त आपको कह देना था, जब क्लाज 3 से 22 कहा गया था ।

श्रीमती ईला रमेश भट्ट हम यही कहना चाहते है कि हमको मिनिस्टर साहब से यह एशोरेन्स मिल गयी है तो इसकी वजह से हम मूव करना नहीं चाहते । लेकिन इतना बोलने के आपने हमको मौका नहीं दिया ।

उपसभापति अभी तो मिल गया और आपने कह दिया अभी ।

THE CHANDIGARH DELEGATION OF POWERS BILL, 1987.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES, AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) Madam, I move:

"That the Bill to provide for the delegation of powers vested in the Administrator of the Union territory of Chandigarh, as passed by the Lok Sabha, be taken into consideration."

Madam, the Governor of Punjab today is the Administrator of the Union territory of Chandigarh Certain statutory powers are vested in the Administrator of the Union territory. He has to hear a large number of appeals and applications for revision. The present Bill provides

*For the text of the amendment *vide* cols. 148 *supra*.

that the **Administrator** may delegate his powers to certain officers or authorities. This is purely and administrative arrangement. Because of the heavy work-load which the Governor of Punjab and the Administrator have to carry, it is desirable that these powers are exercised by officers and authorities to whom the power is delegated. It is a very short Bill. It consists of only 4 clauses. There is nothing which is controversial about the Bill. This is purely for administrative convenience. I request the hon. Members to pass this Bill unanimously. I crave the support of the House.

The question was proposed.

SHRI RAM AWADHESH SINGH (Bihar): It is a very dangerous Bill (*Interruptions*). I have certain points to oppose. (*Interruptions*).

THE DEPUTY CHAIRMAN: Dr. R K. Poddar, absent. Shri P. Radhakrishna.

श्री पुट्टापागा राधाकृष्ण (आन्ध्र प्रदेश) : आदरणीय उपसभापति महोदया, आज मैं हिन्दी में बात करना चाहता हूं।

उपसभाध्यक्ष : बहुत अच्छी बात है ।

श्री पुट्टापागा राधाकृष्ण : महोदया, हिन्दी तो मेरी मातृभाषा नही है, ठीक तरह से मैं हिन्दी नही जानता हूं फिर भी मैं हिन्दी में बात करने का प्रयत्न करता हूं । इसलिए आपसे और इस सदन के माननीय सदस्यों से हमारी विनती है कि हम यदि भाषा-संबंधी कोई गलती करें तो उस पर ध्यान न दें लेकिन हमारी भावना पर ध्यान दें ।

हिन्दी में मैं इसलिए बात करना चाहता हूं क्योकि हिन्दी को हम राष्ट्र-भाषा के नाते सम्मान करते है । यह नीति न केवल मेरी है यह हमारी पार्टी की नीति है । महोदया हमारी पार्टी तेलुगू देशम और हमारी पार्टी के नेता श्री एन · टी · रामाराव साहब की नीति है । महोदया, हमारे नेता या हम जब किसी हिन्दी प्रान्त में जाते है और यदि भाषण देने का अवसर मिलता है तो हम हिन्दी में भाषण देने का प्रयत्न करते है । हम ऐसा करते आए हैं, कर रहे हैं और आगे भी हिन्दी मे भाषण करते रहेंगे । महोदया हमारे नेता अपने भाषण में कहते रहते है । पहले हम भारतीय हैं उसके बाद विभिन्न प्रान्तों के निवासी हैं । हमारे नेता कहते रहते है कि हम हिन्दी का सम्मान करेंगे । हमारे नेता अपने भाषण देते है और एक मशहूर उर्दू शायर इकबाल साहब का गीत दोहराते रहते है। उसका एक टुकड़ा सुनाना चाहता हूं—

"सारे जहां से अच्छा हिन्दोस्ता हमारा
हिन्दी हैं हम वतन है हिन्दोस्ता हमारा
हम बुलबुले है इसके ये गुलिस्तां हमारा ।"

महोदया, यह राष्ट्रीयता हमारे खून में है । हम राष्ट्रीयता का सम्मान करते है। राष्ट्रीयता की भावना में हम किसी से कम नही हैं । और सबसे मुकाबला करने और आगे रहने का प्रयत्न करते है । इससे अधिक इस संबंध मे बोलने की जरूरत नही है ।

महोदया हिन्दी में यह मेरा कन्या भाषण है । अब मैं विधेयक पर आता हूं। हमारे गृह राज्य मंत्री श्री चिदम्बरम् साहब यहां मौजूद है । वह हमेशा इस सदन में एक विशेष विधेयक लेकर आते है। वह पहली बार एक साधारण बिल लेकर आए है । लेकिन इस बिल के परिणाम बहुत गहरे है । इस बिल के संबंध मे मैं कुछ बातें कहना चाहता हूं । महोदया, मुझे याद है एक बार इस सदन में आडवाणी जी ने मांग की थी कि दिल्ली प्रशासन को राज्य की मान्यता दे । इस पर गृह मंत्री जी या किसी अन्य मंत्रीजी ने कहा था कि दिल्ली भारत की राजधानी होने से इसे राज्य के रूप में मान्यता देना संभव नही है । इस बात को हम मानते है । हमें कोई ऐतराज नही । लेकिन हम चाहते है कि देश मे दिल्ली को छोड़कर बाहर कहीं भी एक इंच की जमीन पर भी केन्द्रीय प्रशासन नही रहना चाहिए और हरेक केन्द्र प्रशासित प्रांत को राज्य का दर्जा दिया जाना चाहिए । यह मेरी भावना है ।

[श्री पट्टाभाराम राधाकृष्णन]

महोदया, दूसरी बात इसमे कहने की यह है कि हम बहुत अवसर पर कहते आए है कि राज्यों में राज्यपाल रहने की अब कोई जरूरत नही है । वह दिन चले गए हैं । राजे-रजवाडे चले गए है । अब राज्यपाल की भी कोई जरूरत नही है । हम हमेशा यह कहते आए हैं कि अब समय आ गया है कि सविधान से उसे निकाल दिया जाये ।

महोदया, हमारी एक मांग है । महोदया, चडीगढ़ (शक्तियों का प्रत्यायोजन) विधेयक, 1987 पर चर्चा करते हुए मैं यह भी कहना चाहता हू कि हमारे सविधान से धारा 356 को निकाल देने का समय आ गया है । अब किसी राज्य में राष्ट्रपति का शासन रखने का कोई प्रावधान नही रहना चाहिए । उसे निकाल देना चाहिए क्योकि जब कोई भी पार्टी सत्ता मे रहती है तो इससे उसका दुरुपयोग करने या गलत इस्तेमाल करने का मौका मिलता है ।

(समय की घंटी)

महोदया, यह मेरा कन्या भाषण होने के नाते मुझे एक और मिनिट चाहिए । इसलिये उसका दुरुपयोग होने की संभावना है । इसलिये मैं चाहता हू और हमारी पार्टी की भी नीति है कि सविधान से धारा 356 को निकाल दिया जाय और जैसे केन्द्र मे राष्ट्रपति शासन नही हो सकता है उसी तरह से प्रान्तो में राष्ट्रपति शासन का विधान नही होना चाहिए । आप लोग यह न समझे कि हम केन्द्र मे सत्ता मे है तो किसी राज्य के शासन को अपने हाथ मे ले सकते है । इस अवसर पर मैं कबीर जी के एक दोहे की आप लोगों को याद दिलाना चाहता हूं । उन्होंने कहा था :

"फूली फूली चुन लिये काल हमारी बारी ।"

आज आप सत्ता में हैं, लेकिन कल आप ही विरोधी पक्ष मे आ सकते है । इस मे दी गयी शक्ति के दुरुपयोग की संभावना है इसलिये इस प्राविधान को निकाल देना चाहिए । राज्य मे कोई भी सरकार हो, वह वहां की जनता की सरकार होनी चाहिए, राष्ट्रपति शासन वहां नही होनी चाहिए ।

इतना कह कर ही मैं इस बिल का समर्थन करता हूं ।

श्री राम अवधेश सिंह : माननीय उपसभापति महोदया, इस बिल को चंडीगढ़ के अफसरो के पाप पचाने का बिल कहना चाहिए क्योकि इसमें जो धारा 4 का प्रावधान किया गया है वह धारा 4 स्पष्ट तौर पर कह रही है कि कुछ अफसरों ने पीछे कुछ पाप किये है, गड़बड़ी की है । उन पापों को छिपाने के लिये उसका वैलीडेट करना जरूरी है । उस पर संसद की मुहर लगाने के लिये आप यहा आये है ।

मैं मत्री महोदया से पूछना चाहता हूं कि इस बात को कहने मे आपको क्या शर्म लगती है । आपको कहना चाहिए कि अमूक अमूक काम हमारे अफसरो ने गड़बड़ कर दिया है और उन अफसरों के पाप को हम छिपाने के लिये इस पर संसद् की मुहर लगाना चाहते है । तो आपका यही काम है और इसी काम के लिये आप इस बिल को लाये है । कार्यकारी आदेश के जरिये भी जो पंजाब का राज्यपाल है वही चंडीगढ़ का एडमिनिस्ट्रेटर भी है और ऐसा होने से उसका कार्यभार बढ़ जाता है । एडमिनिस्ट्रेटर को कुछ काम कार्यपालिका के करने पड़ते हैं और उसका काम बढ़ गया है । जनता चाहती है कि काम जल्दी-जल्दी हो । तो वह होना चाहिए । जहां तक इस आपरेशन का सवाल है आप चाहते है कि जल्दी में काम निपटाया जाय । कुछ न्यायिक और कुछ कार्यकारी काम है उनको जल्दी किया जाय । इसमे हमको कोई आपत्ति नही । वह ठीक है । लेकिन उसके साथ-साथ धारा 4 आपने लगा दी यह बहुत खतरनाक बात है । मैं चाहता हूं कि संसद् के दोनो पक्ष के लोग इस धारा 4 का गहराई से विचार करें । आप लोग अगर ईमानदार होगे और संविधान के प्रति और

देश की जनता के प्रति ईमानदार होंगे तो धारा 4 की जो शब्दावली है उसका आप तमाम लोगों को विरोध करना चाहिए क्योंकि अगर यह आदत पड़ जायगी और सरकार को आप अपनी इजाजत देंगे कि पोस्ट इफेक्ट से, रिट्रोस्पेक्टिव एफेक्ट से पीछे के कामों पर समद की मुहर लग जाया करेगी तो यह बहुत खराब परम्परा पड़ेगी । हमारे राधाकृष्ण जी ने ठीक कहा कि आप आज उधर बैठे है कल को इधर भी आ सकते है तो हम वहा चले जायेंगे तो हम भी वही काम करेंगे यह परंपरा लागू रहेगी इस पर आपको विचार करना चाहिए और इस बिल को रिजेक्ट करना चाहिए और कहना चाहिए कि आप दूसरा बिल लाईए जिसमे स्पष्ट तौर पर पाप को छिपाने की बात नहीं होगी बल्कि अफसरों को दंडित करने की बात होगी । जिन अफसरों ने गलत काम किया होगा उनको सामने लाकर कानून के अन्दर उनको दंडित किया जाना चाहिए । इसलिए मुझे इस बारे मे यही कहना है कि मंत्री जी इस धारा को हटाकर इस बिल को पास करवाए । धन्यवाद ।

SHRI PAWAN KUMAR BANSAL (Punjab): Madam, Deputy Chairman, Chandigarh symbolises Pandit Nehru's vision...

श्री राम अवधेश सिंह : आप भी हिन्दी मे बोलिए न ?

SHRI P. CHIDAMBARAM: I must also understand something.

SHRI PAWAN KUMAR BANSAL: ... of modern India and his concept was given shape by the famous architect Le Corbusier and concretised by Sardar Partap Singh Kairon Today Chandigarh enjoys a unique position in as much as it is the capital of two States of Punjab and Haryana and is the headquarters of the Union Territory of Chandigarh itself.

Madam, this position itself is the cause of some curse also for the city of Chandigarh Today this beautiful damsel is courted by both Punjab and Haryana and is the ostensible cause of strife between these two States. This has inflicted a very serious blow to Chandigarh.

Madam, whatever be the attitudes and responses of other people, the people of Chandigarh have always maintained a stance which is in consonance with the national aspirations and national interests; because for the sake of ultimate good of the country the people of Chandigarh are prepared to forsake their own immediate interests All this notwithstanding, of late the people of Chandigarh have also nurtured a feeling that Chandigarh has been neglected and that it is considered nobody's child. Though the Centre has taken all steps for the sustained development of the city, yet the bureaucratic set-up in Chandigarh is never appreciated and responded to the yearnings and aspirations of the people. Corruption is rampant and, permit me to say so, Chandigarh is officers' veritable paradise.

Madam, I welcome the Bill I not only welcome it but I am thankful to the Minister for bringing about this piece of enactment because we as such have been clamouring for this. For quite some time, the Governor of Punjab has also held the concurrent post of the Administrator of the Union territory and because of his other pre-engagements he could not devote time to the judicial work of Chandigarh with the result that since the 4th of January, 1986, if my information is correct, no quasi-judicial case in the territory has been taken up. In the meanwhile, the officers had a hey-day; where it suited them, they took action, and where it did not, they passed on the buck to the Governor.

Madam, this Bill will bring to an end this situation. But I must hasten to add that I do not agree with the interpretation placed by Mr. Ram Awadesh Singh on clause 4. I have expressed my own opinion on what has been going on in the Union Territory of Chandigarh, yet the purport of clause 4 is not to cover up the misdeeds of any officer but to validate those bonafide actions which in the absence of such provisions, would work against the interest of people of Chandigarh, because if a decision in one case or the other had been taken, this could be challenged in the court and may ultimately result in lot of damage to the people concerned.

[Shri Pawan Kumar Bansal]

Madam, Chandigarh deserves much more time of this hon House; but I am aware that we are at the tag end of the session and, in fact, are sitting very late to pass this Bill today. So I would only conclude by bringing to the pointed notice of the hon. Minister the urgent need to expeditiously meet the demand of Chandigarh employees regarding pay-scales, of the retired employees and the weaker sections of the society regarding housing, of the residents regarding abolition of lease-deeds, better rail connections—I hope the hon. Minister will pass it on to the Railway Minister—and also the demands of the people for another telephone exchange and another hospital there.

Finally, the claims and counter-claims of Punjab and Haryana notwithstanding, it is imperative to give a true democratic set-up to Chandigarh. Such a step will restore people's confidence in the system and conform to Pandit Nehru's vision of a new resurgent India. Thank you.

SHRI P CHIDAMBARAM: I am grateful to the three hon. Members who have spoken briefly on this Bill. I am grateful to the three who have spoken. There is nothing sinister about this Bill, as hon. Member, Mr. Ram Awadhesh Singh would like to say. This is no different, except clause 4, from a regulation which was passed in 1964, in respect of Dadra and Nagar Haveli.

Under article 239 of the Constitution, the Governor is the Administrator. Various Acts vest powers in the Governor, both administrative powers as well as quasi-judicial powers. Obviously, the Governor of Punjab who is the Administrator, cannot himself deal with all those applications and appeals and revisions which come to him They have to be dealt with by officers working in Chandigarh Administration Unfortunately, we had overlooked the need to provide for delegation of Governor's powers to various officers and various authorities so that the delegate can exercise powers. That is the way the Administration is run by delegation and by giving powers to statutory authorities. This Bill does nothing more than enable the Governor, who is the Administrator, to delegate his powers under various Acts to named officers and named authorities, so that the Administration can discharge its work quickly and to the benefit of the people.

SHRI RAM AWADHESH SINGH: What about section 3?

SHRI P. CHIDAMBARAM: I am answering it. What is clause 4? It is the classic validation clause. What does it validate? It does not validate any illegal act. In fact, it cannot validate any illegal act. It does not affect the merits of a decision All that the clause 4 does is, if an officer or an authority had exercised powers on the basis that he was a delegate of the Administrator, but that delegation had not been provided for, today clause 4 says: That order shall be valid as if clause 3 was in force on that day. It does not improve or detract from the merit of the order. If the order is otherwise good, it is a good order...

श्री राम अवधेश सिंह : यह भाषा का सरफेस मीनिंग है, भीतर मीनिंग और है। जो अनअथोराइज्ड काम किया गया है, इरेगुलर काम किया गया है उस पर आप संसद की मोहर लगाना चाहते हैं।

SHRI P. CHIDAMBARAM: If the order is otherwise good, it is a good order. If the order is otherwise bad, it is a bad order. This clause 4 cannot cure any other illegality in the order. It only curse one invalidity, namely, there was no proper order of delegation by the Administrator to the authority. This is a classic validation clause which has been debated on many occasions in Parliament. This has also been the subject-matter of numerous Supreme Court decisions. Ram Awadesh Singhji can accept my word for it. As I said, this is a classic validation clause and there is no more to it than what is said in clause 4.

In regard to what Mr. Bansal has said, I think, hon. Members know that we are committed to the Punjab accord; that Chandigarh should go to Punjab. It

t possible during the interim period to t up any kind of legislative machinery Chandigarh. I think, Chandigarh uld continue to be administered by e Administrator until it is possible for to resolve all the disputes and Chanrh goes to Punjab as agreed to in the njab accord.

s for as the pay-scales are concerned, e Ministry of Home Affairs have agreed principle to give Central Government y-scales, as applicable to the Union rritory of Delhi, to the employees of andigarh administration. If there are y administrative steps to be taken, we all do so expeditiously in consultation th the Ministry of Finance. But in prinple, we have agreed to do it.

Madam, I now request hon. Members extend their unanimous support to this mple and non-controversial Bill.

श्री राम अवधेश सिंह : आप दिल्ली को राज्य का दर्जा कब दे रहे है ?

उपसभापति : आज सेशन के अंतिम दिन तो शांत रहिये ।

SHRI P. CHIDAMBARAM: Next ear.

THE DEPUTY CHAIRMAN: Now, the question is:

"That the Bill to provide for the delegation of powers vested in the Administrator of the Union Territory of Chandigarh, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted

THE DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P. CHIDAMBARAM: Madam, I beg to move:

" That the Bill be passed."

The question was put and the motion was adopted.

MESSAGE FROM THE LOK SABHA

The Indian Medical Council (Amendment) Bill, 1987

SECRETARY-GENERAL: Madam, I beg to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha.

"I am directed to inform Rajya Sabha that Lok Sabha at its sitting held on Tuesday, the 15th December, 1987, has adopted the enclosed motion concurring in the recommendation of Rajya Sabha that Lok Sabha do join in the Joint Committee of the Houses on the Indian Medical Council (Amendment) Bill, 1987. The names of the members nominated by Lok Sabha to serve on the said Joint Committee are set out in the motion.

MOTION

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill further to amend the Indian Medical Council Act, 1956, made in the motion adopted by Rajya Sabha at its sitting held on the 15th December, 1987, and communicated to this House on the 15th December, 1987, and do resolve that the following 30 Members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

(1) Shri P. A. Antony

(2) Shrimati Vyjayanthimala Bali

(3) Shri Anil Basu

(4) Dr. Krupasindhu Rao

(5) Dr (Shrimati) Phulrenu Guha

(6) Shri Daulatsinghji Jadeja

(7) Shri P. Kannan

(8) Shri P. R. Kumaramangalam

(9) Shri Kunwar Ram

(10) Shri Suresh Kurup

(11) Shri Dharam Pal Singh Malik